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09/988,217	11/19/2001	Masaki Sato	723-1218	8199

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EXAMINER

MOSSER, ROBERT E

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,217

Applicant(s)

SATO ET AL.

Examiner

Robert Mosser

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3-17-2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 17, 20-30, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 17, 20-30, 32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

In response to the amendment dated March 17th, 2004.

Claims 15,18,19,31,34, and 35 have been canceled and claims **1-14, 16, 17, 20-30, 32, and 33** are pending.

Information Disclosure Statement

The information disclosure statement filed 3/18/02 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

This is the second notice regarding the information disclosure statement..

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-7, 12-14, 16-17, 20-24, 27-30, and 32-33 rejected under 35 U.S.C. 102(b) as being anticipated by Junod et al (US 5,854,621).

Junod et al teaches a wireless mouse and related hardware including the following related aspects.

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Regarding the aspects of a game controller and receiving unit as found in at least claims **20**, **30**, and **33**, Junod et al discloses a wireless receiver (20) and an input device/ controller (10).

Regarding the aspects of a game controller as found in at least claims, **20**, **22**, **30**, and **33**, Junod et al discloses a wireless receiver (20) and a wireless controller (10) including a section operational by the user to input game operation by the user (450), a transmission section for wirelessly transmitting the data inputted by the user (430), a first identification code storage section for storing said identification code (340)

Regarding the aspects of a receiving device/receiving unit/game apparatus as found in at least claims **1**, **14**, **17**, **20**, **30**, and **33**, Junod et al discloses a wireless receiving section for receiving and outputting transmitted data received from a wireless transmission device (690). The device further includes a criterion setting section for setting/changing therein the criterion concerning the processing of received data (630), a determination section for determining if the received data complies with the criterion and only output the data which does comply the criterion (Col 3:2-21),

Regarding the aspects of a processing device/ processing unit/ game apparatus unit as found in at least claims **1**, **14**, **17**, **20**, **22**, **30**, and **33** Junod et al discloses a processing section for performing a process which is in accordance with the identification and operation information based on the received data (600), a criterion changing section for changing the criterion (730, 600) including a control information sending section for sending the receiving device the information regarding changing the criterion (Col 8:37-38), a control information sending section sending the control

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information and identification code to the receiving device (Col 8:26-29), an identification code storage section for transmitting the identification information of the transmission device (620), an identification code determination section for determining if the identification code transmitted and the identification code which is set in the identification code storage section satisfy a predetermined relationship or in the alternative the processing section performing a process that is in accordance with the operation information as received and determined by the determination section (600. 730) , a criterion section includes a control information sending section for sending criterion data to the receiving section (730, 600, 630)

Regarding at least claims **2** and **21**, and in addition to the above stated Junod et al discloses allowing only the data which meets the set criterion being outputted from the determination section (9:6-18)

Regarding at least claims **1** and **3** and addition to the above stated, Junod et al discloses the inclusion of a criterion changing section for changing the criterion which is set in the criterion setting section in a information processing system as described and a determination section for determining if the received data complies with the criterion set in the criterion section and only outputting the data that is in compliance (Col 3:2-21).

Regarding at least claims **4** and **23**, and addition to the above stated, Junod et al discloses the inclusion of a control information sending section for sending control information to the receiving device to ensure that only data which is in accordance with the process/game to be performed is outputted (Col 3:2-21).

Regarding at least claim **6** and addition to the above stated, Junod et al discloses the inclusion of the information concerning the identification code of the transmission device is transmitted along with the operation information is set as the criterion in the criterion setting section and wherein the determination section determines whether or the identification code transmitted and received corresponds to the identification code set in the criterion setting section of the receiver (Col 9:9-15)

Regarding at least claims **7** and **24** and addition to the above stated, Junod et al discloses the inclusion of the information concerning the identification code of the transmission device is transmitted along with the operation information/data is set as the criterion in the criterion setting section and basing the identification code in the criterion section on the identification code first received by the receiving section (Col 9:6-29).

Regarding at least claims **12, 13, 27, 28, and 29** and addition to the above stated, Junod et al discloses the inclusion of a detachable receiving device/game system (Col 4:24-30) and a transmission device which is separable into an inputting/operation section for inputting operation data (*Displacement encoders* Fig 4) and a transmission section for generating transmission data from the operation data (*Frequency Synthesizer* Fig 4), a first identification code storage section (340) and wirelessly transmitting the transmission data (420,430).

Regarding at least claims **14** and **17** and addition to the above stated, Junod et al discloses an information processing system wherein the identification code is set in the identification code storage section based on a plurality of said operation information including the device used for generating/transmitting operation information (9:12-15),

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the frequency of the device used to transmit the information (8:45-47) and the time period when this information was generated with respect to other devices (9:29-34).

Regarding claims **16**, **17**, **32**, and **33** and addition to the above stated, Junod et al discloses an information processing/game system wherein the processing device/game apparatus includes an operational procedure display section (740) for indicating a procedure of a plurality of operations for deriving the plurality of operation information or data (Col 8:14-23) and wherein the identification code of the plurality of operation information or data which comply with the procedure of the plurality of operations indicated by the operation procedure display section is set in the identification code storage section or alternatively the second identification code storage section (Col 7:31-8:13).

Regarding claim **30** and **33**, and in addition to the above stated Junod et al discloses an identification code set in the second identification code storage section based on a plurality of said data outputted from the receiver unit (9:19-29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **5** and **26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Junod et al (US 5,854,621) as applied to claims 1 and 3 above and in further view of Rutkowski (US 5,806,849).

Junod et al discloses the information processing system as claimed and described above however is silent on the use of time-sharing data transmission for a plurality of devices.

Rutkowski teaches in an electronic game system with a wireless controller the polling of multiple frequencies in order to derive information signals therefrom (Col 4:51-55). As the system as described poles one frequency at a time this represents a form of time-sharing as so described.

It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the wireless controller poling system of Rutkowski with the wireless interface device of Junod et al in order to provide transmission reception that is less susceptible to interference resultant from multiple devices transmitting on the same frequency at the period in time.

Claims **8-11**, and **25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Junod et al (US 5,854,621).

Regarding claims **8** and **25**, and in addition to the above stated, Junod et al teaches the receiving device including a display section for indicating the receiving of valid data but is silent as to the indication being resultant of a interfered state as determined by the determination section. As the representations of the communication states between the claimed invention and Junod et al rely upon visual indication to indicate whether or not the communication was valid or invalid and the only difference is the state of the light (ie ON or OFF) that indicates the communication state. The choice of the light state is deemed to be a matter of design choice as no support has been provided that would provide unique function or utility to the current implementation over the prior art of Junod et al. It would have been obvious to one of ordinary skill in the art at the time of invention to use the display device present to in Junod et al to with the visual states reversed to display or indicate the corrupted data transmission so as to inform user when there are communication problems.

Regarding claim **9-11** and addition to the above stated, Junod et al discloses the information processing system as claimed and described above however is silent on programs determining the criterion of the criterion setting section and the selection of a first and second transmission device or device type in accordance with the above stated. However the limiting of device input dependent on the current active input type is well known to one of ordinary skill in the art. In interest of clarifying the issue at hand via example the use of a keyboard while the processor is processing a program directed

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purely towards joystick inputs results the keyboard inputs being ignored. This process occurs because the software itself does not poll for keyboard inputs and thus provides the filtering as so claimed. It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated this feature with the invention of Junod et al in order to avoid excess communication between the peripherals and the processor or in the alternative to disallow inappropriate inputs from interfering with device operation.

Response to Arguments

Applicant's arguments filed March 17th, 2004 have been fully considered but they are not persuasive.

Regarding the arguments directed towards claims **1** and **20**, the applicant argues that there is no teaching for the automatic or program orientated selection of a device from a plurality of devices in accordance with the software being processed on the receiving device.

However the applicant states the Junod teaches a method and apparatus to allow a receiver to differentiate between multiple RF mice in paragraph 3 of the remarks mailed on March 17th 2004. The examiner agrees that the reference at least teaches this aspect and points to the abstract of Junod wherein Junod states "method and apparatus...to differentiate between multiple RF wireless mice operating within the same transmission zone....by providing a unique identification code" and "the receiver filters out frequencies from other RF peripherals". It is the examiner's interpretation

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that the “automatic or program orientated selection” is so described in the filtering described as it pertains multiple RF mice (a plurality of devices).

Regarding the arguments directed towards claims **14** and **30**, the applicant argues that Junod fails to disclose the setting of an identification code based on a plurality of operational information and further that the device of Junod sets the identification mode by the signal first received signal instead.

First as presently claimed the plurality of operational information alternately referred to as a plurality of operational information would in this case provide a distinction if Junod taught the use of a single data element however as presented in column 5, lines 39 through 47 Junod teaches that the identification code could be any of 255 different combinations. As the mere recitation of a “combination” by Junod necessitates a plurality of elements to the identification code it is understood as equivalent to a plurality of operational information.

Second as the argued feature directed towards the specifically “an identification code is set based on the transmitted operation information” is understood as being encompassed at least in Column 7, line 50 through column 8, line 23 wherein the operational information is considered the report frame sent in it's entirety and the identification code being based thereon is demonstrated as the sub component of the frame containing the identification code. The presented deficiency noted though not presently claimed of the device being unable to determine the origin of multiple signal sources at this point is in error as the demonstrated identification code is included in the report frame.

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Regarding the arguments directed towards claims **17** and **33**, the applicant argues that Junod fails teach a display section capable of displaying a procedure for plurality of operations for deriving operational information. However Junod clearly shows of two light emitting display devices (display section) for indicating when communication has been established with the input device and indicating the changing of the device channel (Col 5:10-33 & Col 8:14-23). Herein the indication of no communication one part of the display section is a sign to alter the channel as shown in the remaining portion of the display section. thus indicating a procedure as so claimed and understood further to be a procedure that results in the determination of the identification information as so claimed.

Arguments directed towards claims **5**, **8-11**, **26**, and **25** rely on the premises rebutted above and are so considered addressed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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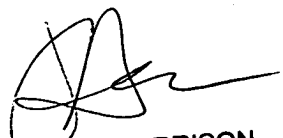
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (703)-305-4253. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

REM



JESSICA HARRISON
PRIMARY EXAMINER